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November 6, 2008

Sent via facsimile 267-299-5065
Honorable David R. Strawbridge
4006 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

of Counsel
David W. Conner
Gary Jaffe

RE: Stephen Schutter vs. David Herskowitz, et al.
USDC, ED of PA, Civil Action No. 07-3823
Philip Banks vs. Stephen Schutter, et al.
USDC, ED of PA, Civil Action No. 08-2677

FILED

NOV 2 2008
MICHAEL E. KUNZ, Clerk
By [Signature] Dep. Clerk

Dear Judge Strawbridge:

I am in receipt of Your Honor's Memorandum Opinion dated November 6, 2008 relating to Motions to Dismiss. Your Honor indicates that no answer was filed by Mr. Banks. However, I respectfully refer Your Honor to Document #24 of the Docket which was filed on October 16, 2008. While this addresses only Mr. Herskowitz's motion, I respectfully suggest that both motions raised the same issue and, by inadvertence, it appears that no separate response was made to Mr. Schutter's motion. I am not sure how this would affect Your Honor's Decision, but I respectfully request that due consideration be given to the answer filed.

Thank you for your consideration.

Respectfully,

MICHAEL YANOFF

MY/aja

cc: Jay M. Herskowitz, Esquire (via facsimile @ 856-267-5671)
James M. Loots, Esquire (via facsimile @ (202) 315-3515)
Philip Banks (via facsimile @ (610) 337-1011)